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FORM PTO-1083

OCT 05 2005

Attorney Docket No.: 102.0010-01000
Customer No. 22882

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Gary K. Michelson, M.D.

Serial No. 08/480,461

Filed: June 7, 1995

For: INSTRUMENTATION FOR THE SURGICAL
CORRECTION OF HUMAN THORACIC AND
LUMBAR SPINAL DISEASE FROM THE
LATERAL ASPECT OF THE SPINE

Confirmation No.: 9274

Art Unit: 3764

Examiner: Michael Brown

Mail Stop AMENDMENT
 Commissioner for Patent
 P.O. Box 1450
 Alexandria, Virginia 22313-1450

Dear Sir:

Transmitted herewith is an Amendment in reply to the Office Action of April 6, 2005 in the above-identified application.

No additional fee is required.
 Applicant hereby requests a three-month extension of time to respond to the above office action.
 Information Disclosure Statement and Form PTO-1449 are enclosed.

The fee has been calculated as shown below:

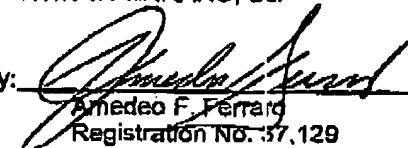
	(Col. 1) CLAIMS REMAINING AFTER AMENDMENT		(Col. 2) HIGHEST NUMBER PREVIOUSLY PAID FOR	(Col. 3) PRESENT EXTRA ^a	LG/SW \$ ENTITY FEE	ADD'L FEE DUE
TOTAL CLAIMS FEE	148	-	147	-	LG-\$50 SM-\$25	\$ 50
INDEPENDENT CLAIMS FEE	11	-	13	-	LG-\$200 SM-\$100	\$ 0
FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIMS					LARGE ENTITY FEE = \$380 SMALL ENTITY FEE = \$180	\$ 0
					TOTAL	\$ 50

^a If the entry in Col. 1 is less than the entry in Col. 2, write "0" in Col. 3.
^a If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, write "20" in this space.
^a If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, write "3" in this space. The "Highest Number Previously Paid For" (Total or Independent) is the highest number found from the equivalent box on Col. 1 of a prior amendment or the number of claims originally filed.

The total amount of \$1,250.00 to cover the \$1,020 three-month extension fee, \$50 additional claims fee, and \$180 IDS fee is to be charged to Deposit Account No. 50-1068.
 The Commissioner is hereby authorized to charge any deficiencies of fees associated with this communication or credit any overpayment to Deposit Account No. 50-1068. A copy of this sheet is enclosed.
 Any filing fees under 37 C.F.R. § 1.16 for the presentation of extra claims
 Any patent application processing fees under 37 C.F.R. § 1.17

Respectfully submitted,
 MARTIN & FERRARO, LLP

By:



Amadeo F. Ferraro
Registration No. 37,129

Date: October 5, 2005

1557 Lake O'Pines Street, NE
 Hartville, Ohio 44632
 Telephone: 330-877-0700
 Facsimile: 330-877-2030
 Transmittal of Amendment.DOC

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DISEASE FROM THE LATERAL)
ASPECT OF THE SPINE)

Mail Stop AMENDMENT
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Sir:

AMENDMENT

In reply to the Office Action dated April 6, 2005, the period for reply having been extended for three (3) months by a request for extension and fee payment filed concurrently herewith, the following amendments and remarks are submitted as follows:

Amendments to the Claims are reflected in the listing of claims, which begins on page 2 of this paper.

Remarks begin on page 23 of this paper.

10/07/2005 YPOLITE1 00000030 501068 08480461

01 FC:1202 50.00 DA

10/07/2005 YPOLITE1 00000030 501068 08480461

02 FC:1253 1020.00 DA